

**Amendments to the Drawings:**

The attached replacement sheet of drawings includes additional Figs. 1(g), 1(h), 1(i) and Figs. 7(a) and 7(b) replacing original Fig. 7.

Attachments following last page of this Amendment:

Replacement Sheet (5 pages)

## REMARKS

Claims 1, 3, 5-7, 9, 10 and 18, as amended, remain herein. Claim 1 has been amended for clarity. Figures 1(g)-1(i) have been added. Figure 7 has been replaced by Figure 7(a) and 7(b). The specification has been amended to reference the new figure. Support for the amendments can be found throughout the specification. No new matter has been added by the amendments.

### Drawings

The drawings have been objected under 37 CFR 1.83(a). The amended drawings show every feature of the claims to moot the objection thereto. Reconsideration and withdrawal of this objection are respectfully requested.

### Rejections Under 35 U.S.C. §103

#### **A. The Claims Are Patentable Over Wagaman In View of Persson.**

Claims 1, 3-7, 9 and 10 have been rejected under 35 U.S.C. 103(a) over U.S. Patent 3,201,015 to Wagaman (“Wagaman”) in view of U.S. Patent 5,927,353 to Persson et. al. (“Persson”) (see Office Action, page 3). Claim 4 has been withdrawn.

Claim 1 is directed to a powder dispenser device for dispensing powder from a filler vessel to an unfilled vessel, including a dispenser device body having an inlet end and an outlet end, a transport passage between the inlet end and the outlet end, the transport passage having an inner wall including a tapered portion tapering outwardly from a direction of the inlet end toward the outlet end, wherein a cross-sectional internal dimension at the inlet end of the transport passage is smaller than a cross-sectional internal dimension at the outlet end of the transport passage, and at least two sealing connector sections proximate to both the inlet end and the outlet end, wherein at least one sealing connector section is located on an inner surface of the dispenser

device body proximate to the inlet end, and at least one sealing connector section is located on an outer surface of the dispenser device body proximate to the outlet end, for sealingly connecting the device with a filler vessel and an unfilled vessel, thereby forming a substantially airtight transport passage, so that air within the unfilled vessel is displaced by powder from the filler vessel and passes through the substantially airtight transport passage during a filling operation.

The claim includes "sealing connector sections proximate to both the inlet end and the outlet end". A purpose of the claimed invention is to sealingly connect the device with a filler vessel and an unfilled vessel for forming a substantially airtight transport passage (see paragraphs [0005] and [0021]-[0023] of the claimed invention).

Claim 3 further teaches that at least one of the sealing connector sections is in the form of threaded portions, foam or rubber strips, light friction fits, or flat or contoured plates which correspond to a connector surface of an unfilled vessel.

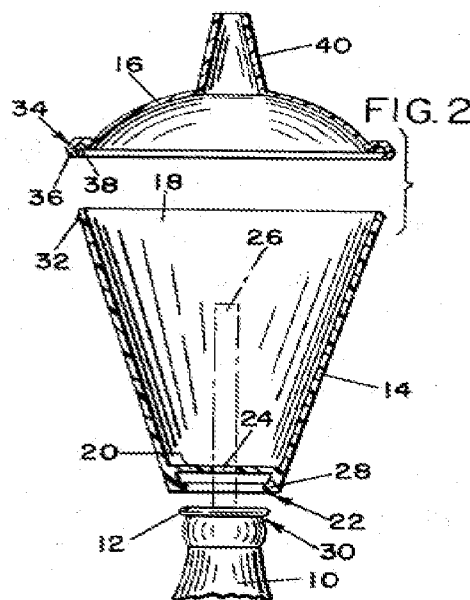
Neither Wagaman nor Persson teaches an element to sealingly connect the device with a filler vessel and an unfilled vessel for forming a substantially airtight transport passage.

Further, neither Wagaman nor Persson teach an element having a multiplicity of different shapes and sizes of inlet apertures. Additionally, both Wagaman and Persson teach movement of material through a transport passage that substantially narrows from inlet end to outlet end, forcing the material into a constricted space. In the claimed invention, material (e.g. powder) is moved from a narrower inlet end to a wider outlet end in an outwardly tapered or parallel cross-section of the interior of the transport passage (see paragraph [0040] of the specification).

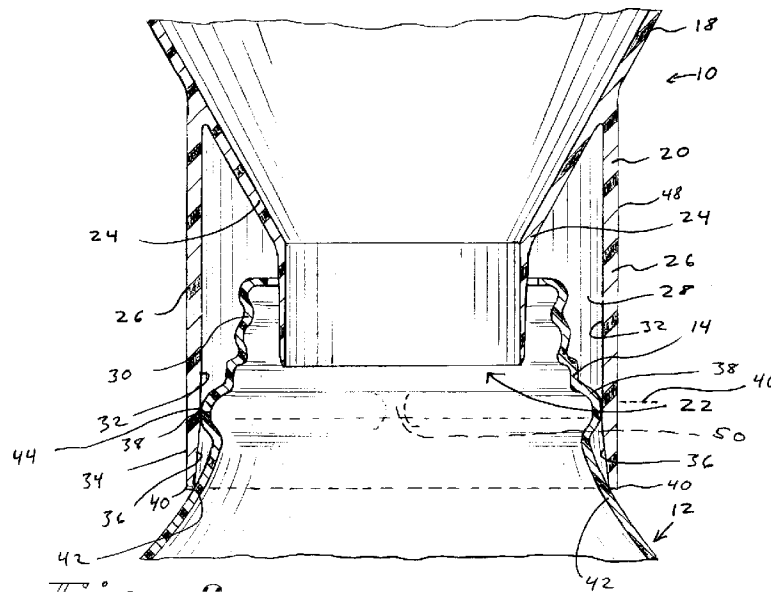
Wagaman teaches a new and improved container particularly adapted for application to bottles and which may be applied by attaching it onto the pouring lip or rim extending about the neck of a soda water bottle or the like (col. 1, lines 1-5).

The Examiner contends that Wagaman describes features of “at least two sealing connector sections (28, 32)” (see page 3 of Office Action). Applicant respectfully disagrees. Wagaman fails to disclose or suggest any material or structure for forming a substantially airtight transport passage. Instead, Wagaman teaches a triangular exterior shoulder or bead (32) cooperating with a snap-on type recessed rim of a cover (16), and an in-turned bead (28) with a size just to snap over a pouring lip (12). (See Wagaman, col. 1, lines 55-58, col. 2, lines 2-4, Fig. 2).

Persson teaches a funnel for use in connection with plastic bottles or containers. The funnel includes a body portion and a spout portion extending from the body portion to a lower open end (col. 2, lines 20-27). However, Persson fails to teach or suggest any sealing connector. Instead, Persson teaches a pressing engagement (see, e.g. claim 1, Fig. 2).



Wagaman, Fig. 2



**Persson, Fig. 2**

Claim 1 further teaches "air within the unfilled vessel is displaced by powder from the filler vessel and passes through the substantially airtight transport passage during a filling operation". Another purpose of the claimed invention is to transport powder through the substantially airtight transport passage (see paragraph [0005] and [0029] of the claimed invention).

However, both Wagaman and Persson fail to teach or suggest air within the unfilled vessel is displaced by powder from the filler vessel and passes through the substantially airtight transport passage during a filling operation, as recited in claim 1. Thus, claim 1, and the claims depending therefrom, are patentable over Wagaman and Persson for at least the reasons described above.

Further, one of ordinary skill in the art would not be motivated to combine the teachings of Wagaman or Persson with sealing connector sections proximate to both the inlet end and the outlet end, thereby forming a substantially airtight transport passage.

Wagaman teaches a snap-on connector, such as triangular exterior shoulder or bead (32) cooperating with a snap-on type recessed rim of a cover (16) (See Wagaman, col. 1, lines 55-58). Persson teaches a pressing engagement including outer portion 26 formed of a rigid material having a greater density (Persson col. 3, lines 36-40). There is no teaching in Wagaman that would motivate one of ordinary skill in the art to combine a snap-on connector, with the disclosure of Persson. Indeed, if Wagaman were combined with Persson, it would render Wagaman inoperable because of the shoulder or bead deformation caused by pressing engagement. For at least this reason, Wagaman and Persson cannot be properly combined.

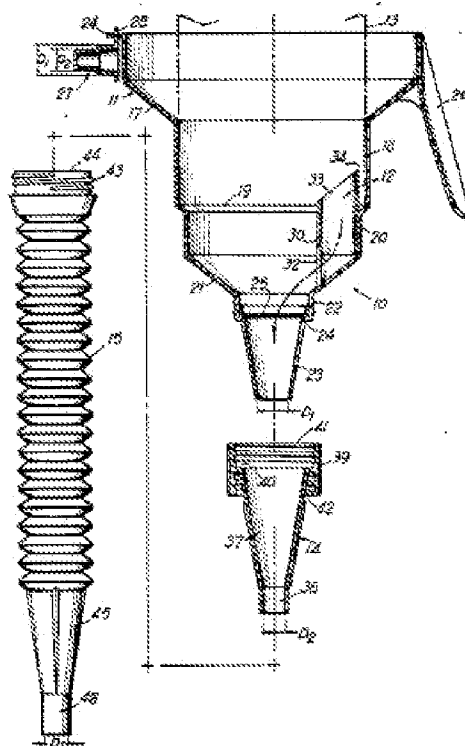
Accordingly, the pending claims are patentable over Maynard and Persson. Applicant respectfully requests withdrawal of this ground of rejection.

**B. The Claims Are Patentable Over Wagaman In View of Persson.**

Claims 1 and 18 have been rejected under 35 U.S.C. 103(a) over U.S. Patent 4,600,125 to Maynard (“Maynard”) in view of Persson (see Office Action, page 4).

Maynard fails to teach or suggest any structure having sealing connector sections proximate to both the inlet end and the outlet end, thereby forming a substantially airtight transport passage. Persson fails to supply this omission.

The Examiner contends that Maynard describes features of “at least two sealing connector sections (42; and outer cylindrical part of 27 mating with outer rim surface of 46)” (see page 5 of Office Action). Applicant respectfully disagrees. Maynard teaches a cylindrical outlet 46 having the outlet diameter  $D_2$ . But Maynard fails to disclose or suggest any sealing connector or structure on the surface of or proximate to cylindrical outlet 46. (See Maynard, col. 3, lines 12-16, col. 2, lines 2-4, Fig. 2).



**Maynard, Fig. 2**

Additionally, both Maynard and Persson fail to teach or suggest air within the unfilled vessel is displaced by powder from the filler vessel and passes through the substantially airtight transport passage during a filling operation, as recited in claim 1. Thus, claim 1, and claim 18 depending therefrom, are patentable over Maynard and Persson for at least the reasons described above.

Further, one of ordinary skill in the art would not be motivated to combine the teachings of Maynard or Persson with sealing connector sections proximate to both the inlet end and the outlet end, thereby forming a substantially airtight transport passage.

Maynard teaches that lower threads 42 may engage the complimentary threaded neck of a bulk storage container (Maynard col. 3, lines 7-9). Persson teaches a pressing engagement

including outer portion 26 formed of a rigid material having a greater density (Persson col. 3, lines 36-40). There is no teaching in Maynard that would motivate one of ordinary skill in the art to combine a threaded connector, with the disclosure of Persson. Indeed, if Maynard were combined with Persson, it would render Maynard inoperable because of the threads deformation caused by pressing engagement. For at least this reason, Maynard and Persson cannot be properly combined.

Accordingly, the pending claims are patentable over Maynard and Persson. Applicant respectfully requests withdrawal of this ground of rejection.

### **CONCLUSION**

Applicant respectfully submit that all requirements of patentability are met in the pending claims and request that these claims be allowed. Should the Examiner deem that any further action by Applicant would be desirable to place this application in even better condition for issue, the Examiner is invited to telephone Applicant's undersigned representative. Please apply any other charges or credits to deposit account 19-4293.

Respectfully submitted,

Date: July 9, 2010

By: /Harold H. Fox Reg # 41498/  
Harold H. Fox  
Reg. No. 41,498

**Customer No. 27890**  
Steptoe & Johnson LLP  
1330 Connecticut Avenue, NW  
Washington, DC 20036-1795  
Phone: 202-429-3000  
Fax: 202-429-3902